

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 436 - HB 558

March 30, 2017

SUMMARY OF BILL: Provides standing to the Speakers of the Senate and House of Representatives, jointly, or to a majority of the members of both houses of the General Assembly, as duly elected public officials and agents of the state, to enforce and challenge certain laws and constitutional provisions, and to intervene with legal action in certain proceedings in which a statute of statewide effect is alleged unconstitutional or is alleged unconstitutional depending on its interpretation.

Requires the Speakers and respective members of the General Assembly in any such instance to act as agents of the people of the state. Requires the state to indemnify the Speakers and members of the General Assembly for any costs and expenses associated with any action authorized by this legislation.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact - To the extent the Attorney General declines to defend any relevant action brought jointly by the Speakers of the Senate and the House of Representatives, or by members of the General Assembly, and outside legal counsel is employed to defend any such action, the increase in state expenditures is reasonably estimated to exceed \$25,000.

Assumptions:

- This legislation provides standing to the Speakers of the Senate and House of Representatives, jointly, or to a majority of members of both houses of the General Assembly, to enforce and challenge certain laws and constitutional provisions, and to intervene with legal action in proceedings in which a statute of statewide effect is alleged unconstitutional or is alleged unconstitutional depending on its interpretation.
- To the extent the Attorney General and Reporter defends any such actions taken up by the Speakers or members of the General Assembly, any increase in state expenditures is estimated to be not significant and can be accomplished within the existing resources of the Attorney General's office without any additional appropriations or reduced reversions.
- However, if the Attorney General and Reporter declines to defend any action pursuant to Tenn. Code Ann. § 8-6-109(b)(9), and the Speakers, or the respective members of the

General Assembly, retain outside legal counsel for defending any such action, there will be an increase in state expenditures.

- Fiscal Review Committee staff cannot reasonably determine the number of instances where the provisions of this legislation would be acted upon by the Speakers or members of the General Assembly, or the number of instances where the Attorney General and Reporter would decline to defend any such legal action.
- The cost of employing outside legal counsel for the purpose of defending any such lawsuit cannot be specifically determined due to multiple unknown factors. However, it is reasonable to assume that any relevant lawsuit would increase state expenditures by at least \$25,000 for legal fees and expenses, which would be borne by the state pursuant to Section 1(c) of this legislation.
- It is assumed that the Administrative Office of the Courts can accommodate any relevant legal action brought within the courts' existing resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/rnc